

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:13-CV-00425**

CYBER IMAGING SYSTEMS,	)
INC.	)
	)
Plaintiff,	)
v.	)
	)
EYELATION, LLC and	)
BRAD KIRSCHNER individually,	)
	)
Defendants.	)

**AGREED MOTION TO STAY THIS CASE  
PENDING THE ARBITRATION**

Plaintiff filed this case on June 12, 2013. Defendant filed a motion to dismiss on July 3, 2013. The parties have met and discussed both this case and the pending Arbitration and believe it is in the best interest of judicial economy to stay this case pending the decision in the Arbitration. There is a likelihood that the Arbitration decision will -- either legally or pragmatically -- make this case moot. The Arbitration hearing was completed on July 19, 2013, post-hearing briefs are due August 16<sup>th</sup>, and there are no responsive briefs. The parties expect a decision by early September. Plaintiff agrees that by agreeing to a stay, Defendants do not waive any rights, including the right to pursue the motion to dismiss.

In light of the foregoing the parties respectfully request that this case be stayed pending the decision in the Arbitration.

Respectfully submitted this 26<sup>th</sup> day of July, 2013.

/s/ Chris Kennedy

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